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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION
10

11 ROBERT PRITIKIN, et al.,
12 Plaintiffs,
13 v.
14 COMERICA BANK, et al.,
15 Defendants.

CASE NO. CV 09-03303 JF

**AMENDED REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF DEFENDANT
COMERICA BANK'S MOTION TO
DISMISS THE COMPLAINT**

Date: October 23, 2009
Time: 9:00 a.m.
Dept.: Honorable Jeremy Fogel

Complaint filed: July 20, 2009
Trial Date Set:

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19 Defendant Comerica Bank respectfully requests that the Court take judicial notice
20 pursuant to Federal Rule of Evidence 201 of each of the following documents.

21 1. Judgment entered against Four Star Financial Services, LLC, filed April 3, 2000 in
22 *Sentinel Trust Company v. 900 Capital Services, Inc.; et al*, United States Bankruptcy Court,
23 District of Nevada Case No. BK-S-97-22098-RCJ, a true and correct copy of which is attached
24 hereto as Exhibit 1.

25 2. Consent Order for Money Judgment Against Four Star Financial Services, LLC,
26 filed October 1, 2001 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*,
27 United States District Court, District of Maryland Case No. CCB-000-CV-3626, a true and
28 correct copy of which is attached hereto as Exhibit 2.

3. Certification of Judgment For Registration In Another District, filed January 11, 2002 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, District of Maryland Case No. CCB-000-CV-3626, a true and correct copy of which is attached hereto as Exhibit 3.

4. Complaint filed October 18, 2002 in *2424 Limited, et al. v. Four Star, Cohn, Anson, et al.*, United States District Court, District of Nevada Case No. CV-S-02-1385-LDG-PAL, a true and correct copy of which is attached hereto as Exhibit 4.

5. First Amended Complaint filed October 23, 2003 in *Gevirtz v. Four Star Financial, et al.*, United States District Court, Central District of California Case No. CV 03-5548 RSWL, a true and correct copy of which is attached hereto as Exhibit 5.

6. Reservoir Capital Corporation's Notice of Motion and Memorandum of Points and Authorities to Amend Judgment to Include Alter Egos, filed August 11, 2003 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, Northern District of California Case No. CCB-000-CV-3616, a true and correct copy of which is attached hereto as Exhibit 6.

7. Reservoir Capital Corporation's Request to Take Judicial Notice in Support of Motion for Order to Amend Judgment to Include Alter Egos, filed August 11, 2003 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, Northern District of California Case No. CCB-000-CV-3616, a true and correct copy of which is attached hereto as Exhibit 7.

8. Complaint filed October 10, 2003 in *Plonsker, et al. v. Four Star Financial, et al.*, Los Angeles Superior Court Case No. SC 079281, a true and correct copy of which is attached hereto as Exhibit 8.

9. Complaint filed October 14, 2004 in *Ferrara, et al. v. Georgina Asset Management, Inc., et al.*, Los Angeles Superior Court Case No. BC 304180, a true and correct copy of which is attached hereto as Exhibit 9.

10. Involuntary Petition filed October 24, 2003 in *In re Four Star Financial Services, LLC*, United States Bankruptcy Court, Central District of California Case No. LA 03-37579, a BN 4314674v3

1 true and correct copy of which is attached hereto as Exhibit 10.

2 11. Statement of Financial Affairs filed December 19, 2003 in *In re Four Star*
3 *Financial Services, LLC*, United States Bankruptcy Court, Central District of California Case No.
4 LA 03-37579, a true and correct copy of which is attached hereto as Exhibit 11.

5 12. Application of Chapter 11 Trustee to Employ Accountants (Squar, Milner, Reehl
6 & Williamson, LLP) Effective December 11 2003; and Order Thereon filed February 10, 2004 in
7 *In re Four Star Financial Services, LLC*, United States Bankruptcy Court, Central District of
8 California Case No. LA 03-37579, a true and correct copy of which is attached hereto as Exhibit
9 12.

10 13. Class Action Complaint filed February 13, 2004 in *Gilbert, et al. v. Cohn, et al.*,
11 Los Angeles Superior Court Case No. BC 310846, a true and correct copy of which is attached
12 hereto as Exhibit 13.

13 14. Order Converting Case to One Under Chapter 7 of the Bankruptcy Code, filed
14 March 17, 2004 in *In re Four Star Financial Services, LLC*, United States Bankruptcy Court,
15 Central District of California Case No. LA 03-37579, a true and correct copy of which is attached
16 hereto as Exhibit 14.

17 15. Complaint filed April 6, 2004 in *Maxmin Yield, et al. v. Mark Cohn, et al.*, Los
18 Angeles Superior Court Case No. BC 313316, a true and correct copy of which is attached hereto
19 as Exhibit 15.

20 16. Notice of Rescheduling of First Meeting of Creditors filed April 12, 2004 in *In re*
21 *Four Star Financial Services, LLC*, United States Bankruptcy Court, Central District of California
22 Case No. LA 03-37579, a true and correct copy of which is attached hereto as Exhibit 16.

23 17. Amended Class Action Complaint filed May 24, 2004 in *Gilbert, et al. v. Cohn, et*
24 *al.*, Los Angeles Superior Court Case No. BC 310846, a true and correct copy of which is
25 attached hereto as Exhibit 17.

26 18. Article entitled, "An 18% Return? It Sounded Good to Rich Investors" which
27 appeared on the front page of the Wall Street Journal, June 15, 2004 issue, a true and correct copy
28 of which is attached hereto as Exhibit 18.

19. First Amended Complaint filed September 1, 2004 in *Marshack v. Anson, Garrett*, United States Bankruptcy Court, Central District of California Adv. Proc. No. 04-02002, a true and correct copy of which is attached hereto as Exhibit 19.

20. Declaration of Michael J. Plonsker in Opposition to Motion of Trustee for Approval of Compromise of Controversy; Objections to Declaration of Richard Marshack, filed December 19, 2005 in *In re Four Star Financial Services, LLC*, United States Bankruptcy Court, Central District of California Case No. LA 03-37579, a true and correct copy of which is attached hereto as Exhibit 20.

21. Second Amended Complaint filed May 10, 2004 in *Ferrara, et al. v. Georgina Asset Management, LLC, et al.*, Los Angeles Superior Court Case No. BC 304180, a true and correct copy of which is attached hereto as Exhibit 21.

22. "FourStarFruad.com" archived web page from March 2004, a true and correct copy of which is attached hereto as Exhibit 22. Federal courts may take judicial notice of websites, and information contained in websites. *In re Amgen Inc. Securities Litigation* (C.D.Cal. 2008) 544 F.Supp.2d 1009 at 1023-1024; *County of Santa Clara v. Astra USA, Inc.* (N.D.Cal. 2005) 401 F.Supp.2d 1022 at 1024; *Wible v. Aetna Life Ins. Co.* (C.D. Cal. 2005) 375 F.Supp.2d 956 at 965.

23. Schedules filed December 2003 in *In re Four Star Financial Services, LLC*, United States Bankruptcy Court, Central District of California Case No. LA 03-37579, a true and correct copy of which is attached hereto as Exhibit 23.

24. Declaration of Duane M. Geck in Support of Motion and Motion for Order to Amend Judgment to Include Alter Egos, filed August 11, 2003 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, Northern District of California Case No. CCB-000-CV-3616, a true and correct copy of which is attached hereto as Exhibit 24.

25. Complaint filed November 23, 2005 in *Marshack v. Roberts*, United States Bankruptcy Court, Central District of California, a true and correct copy of which is attached hereto as Exhibit 25.

26. Complaint filed August 4, 2003 in *Gevirtz v. Four Star Financial, et al.*, United

1 States District Court, Central District of California Case No. CV 03-5548 RSWL, a true and
2 correct copy of which is attached hereto as Exhibit 26.

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4 DATED: August 28, 2009

BUCHALTER NEMER
A Professional Corporation

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7 By: /s/ Richard C. Darwin
Richard C. Darwin
8 Attorneys for Defendant
9 COMERICA BANK
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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER NEMER, A Professional Corporation, 333 Market Street, 25th Floor, San Francisco, California 94105-2126.

On the date set forth below, I served the foregoing documents which are being electronically filed described as:

**AMENDED REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
DEFENDANT COMERICA BANK'S MOTION TO DISMISS THE
COMPLAINT**

on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

Robert M. Lubin, Esq.
Joseph Camenzind, IV
Law Office of Robert Lubin
177 Bovet Road, Suite 600
San Mateo, CA 94402

Counsel for Plaintiffs

Kenneth Pritikin, Esq.
Law Office of Kenneth Pritikin
2950 Buskirk Avenue, Suite 300
Walnut Creek, CA 94597

Counsel for Plaintiffs

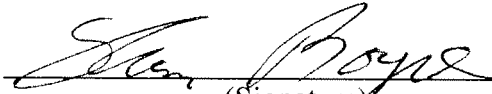
Courtesy Copy:

The Honorable Jeremy Fogel
United States District Court
Northern District of California
Courtroom 3, 5th Floor
280 South 1st Street
San Jose, CA 95113

☒ **BY OVERNIGHT DELIVERY** On August 28, 2009, I placed the Federal Express/Overnite Express package for overnight delivery in a box or location regularly maintained by Federal Express/Overnite Express at my office, or I delivered the package to an authorized courier or driver authorized by Federal Express/Overnite Express to receive documents. The package was placed in a sealed envelope or package designated by Federal Express/Overnite Express with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served at the address(es) shown above, as last given by that person on any document filed in the cause; otherwise at that party's place of residence.

1 I declare that I am employed in the office of a member of the bar of this court at whose
2 direction the service was made. Executed on August 28, 2009, at San Francisco, California.

3
4 Sharon Royce


(Signature)